

REMARKS

Applicant appreciates the time taken by the Examiner to review Applicant's present application. This application has been carefully reviewed in light of the Official Action mailed January 11, 2006. Claims 46-49 have been added. No new matter has been added. Applicant respectfully requests reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 103

Claims 1-4, 6-8 and 32-45 stand rejected as obvious over U.S. Publication No. 2004/0028600 ("Torisu") in view of U.S. Patent No. 3,731,495 ("Coveney") and/or U.S. Patent No. 5,137,047 ("George").

In order to establish a *prima facie* case of obviousness, the Examiner must show: that the prior art references teach or suggest all of the claim limitations and that there is some suggestion or motivation in the references (or within the knowledge of one of ordinary skill in the art) to modify or combine the references and that there is a reasonable expectation of success of such combination. M.P.E.P. 2142, 2143; *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Furthermore, it is improper to combine references where the references teach away from their combination. *In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983). The Applicant respectfully points out that the Examiner has failed to establish a *prima facie* case of obviousness.

Applicant respectfully submits that Torisu is not a proper prior art reference. Presumably, Torisu is being asserted as prior art under 35 U.S.C. §102(e). 35 U.S.C. §102(e) states:

A person shall be entitled to a patent unless . . . (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

35 U.S.C. §102(e) (emphasis added).

It appears that the Examiner is relying on the filing date of United States Provisional Patent Application Serial No. 60/306,421 or of United States Provisional Patent Application Serial No. 60/306,422, both filed July 20, 2001, as the Torisu application was filed after the filing date of the present application.

Applicant respectfully submits that the Torisu reference is not proper prior art under 35 U.S.C. §102(e) because Applicant's date of invention predates the Torisu reference. Attached hereto is a declaration by inventor Robert Jackson (the "Jackson Decl.") and a presentation dated November 29, 2000. This presentation is saved as "11 29 2000 Semiconductor Fluorine Plant670" on Fluorine On Call's ("FOC") computer system and was generated by FOC at least as early as November 29, 2000. Slides 2 and 3 of the presentation show parallel HF traps coupled to fluorine generation cells and a filter downstream of the HF traps. Slide 3 further shows a low pressure buffer and compressor downstream of the HF traps. Slides 2 and 3 also illustrate various flow paths provided by manifolds. Slide 4 of the presentation describes that the HF traps are NaF traps and that switching occurs. As supported by the attached presentation and as averred to by Mr. Jackson, the present invention was conceived at least as early as November 29, 2000. As the date of invention relates back to the date of conception, the present invention predates the July 20, 2001 priority date of the Torisu reference.

Furthermore, Applicant submits that the Examiner has not pointed out where the features for which the Examiner relied on Torisu can be found in Coveney or George. Moreover, the Applicant differentiated the present invention from Coveney in the October 12, 2005 response. Applicant submits that neither Coveney nor George teaches or suggests the various features of the present invention for which the Examiner relied on Torisu to support.

Added Dependent Claims 46-49

Support for added dependent Claims 46-49 can be found, for example, in paragraphs [0045, 0059, and 0085]. Consequently, added dependent Claims 46-49 do not present new matter.

IDS REFERENCES

Consideration of References Cited in IDS

The Applicant filed an information disclosure statement (IDS) in the present application on October 31, 2003, December 1, 2003, and November 29, 2004. The Applicant notes that the Office Action was not accompanied by a copy of the listing of references, PTO/SB/08A, submitted with these IDSs, initialed by the Examiner to indicate that the references cited therein were considered. Therefore, the Applicant respectfully requests that the Examiner consider the references cited in these IDSs and forward a copy of the initialed Form PTO/SB/08A to the Applicant.

Applicant has now made an earnest attempt to place this case in condition for allowance. Other than as explicitly set forth above, this reply does not include an acquiescence to statements, assertions, assumptions, conclusions, or any combination thereof in the Office Action. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of Claims 1-8 and 32-49. The Examiner is invited to telephone the undersigned at the number listed below for prompt action in the event any issues remain.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3183 of Sprinkle IP Law Group.

Respectfully submitted,
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Date: April 11, 2006

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